

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	SUP #2017-0053
Approved by Planning and Zoning:	June 14, 2017
Permission is hereby granted to:	Scott Shaw
to use the premises located at:	106 North Lee Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

June 14, 2017
Date

Karl Moritz / PD
Karl Moritz, Director
Department of Planning and Zoning

DATE: June 14, 2017

TO: Alex Dambach, Division Chief, Land Use Regulatory Services
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0053
Administrative Review for New Use
Site Use: Restaurant
Applicant: Scott Shaw
Location: 106 North Lee Street
Zone: CD / Commercial Downtown

Request

Special Use Permit #2017-0053 is a request to operate a 58-seat restaurant at 106 North Lee Street. The hours of the operation would be 6 a.m. to 10 p.m., Monday through Saturday, and 8 a.m. to 9 p.m., Sunday. The 1,850 square foot restaurant would operate on the first floor within a 13,000 square foot building to be called "Founders Hall." Founders Hall would also include a separate retail area on the first floor as well as offices on the second floor. The fast, casual restaurant would operate with orders taken at a counter and serve pastries, acai bowls, cold pressed fruit juices, coffee, and alcoholic beverages. Approximately 400 patrons are expected each day.

Background

Since 1991, City Council has approved several Special Use Permits for restaurants at this building, which was formally known as the Portside Building. Between 1991 and 2005, retail establishments co-existed with restaurants in the building. Retail establishments operated solely at the site from 2005 until May 2017, when the applicant's limited liability corporation, Founders Hall, LLC, purchased the building.

Parking

Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. The applicant, therefore, is not required to provide off-street parking for the proposed restaurant.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association and the Old Town Business and Professional Association were informed of the new restaurant application. Staff received two comments from residents related to the SUP request for a restaurant. One resident suggested that an additional restaurant in the historic district was not appropriate and the use would generate

parking issues. A Torpedo Factory Condominium resident expressed concerns that the restaurant would serve alcohol and at hours until 12 a.m. on Friday and Saturday nights, as originally proposed. The applicant responded to the resident's concerns and revised the proposed closing hours to 10 p.m. on Fridays and Saturdays.

Staff Action

Staff supports the applicant's request to operate a restaurant within the commercial mixed-use building at 106 North Lee Street. As the relatively large building has traditionally accommodated a synergistic combination of commercial uses, the proposed restaurant would likewise provide a complement to the office and retail uses that are planned at the site. A fast-casual dining option would also provide an on-site amenity for shoppers and office workers.

In compliance with the Old Town Restaurant Policy, staff has analyzed the use and its potential impacts on parking, litter, as well as alcohol and late hours. An assessment of the diversity of uses is also reviewed:

Parking:

Staff does not expect parking impacts as a reasonable share of the restaurant patrons will be office employees and shoppers of the on-site businesses who have already travelled to Founders Hall. Many may choose alternative forms of transportation to reach the commercial mixed-use building, such as the King Street Metro, Metrorail and Dash bus, BikeShare, or the King Street Trolley. Three parking garages could accommodate the customers and office workers who drive to the destination. Parking impacts are minimized by the requirements of Conditions 19 -23, which include mandates that employees must park off-street and the applicant must encourage patrons and employees to use of public transportation.

Litter:

Impacts from litter are not anticipated as trash receptacles would be included within Founders Hall and the applicant is required to survey the property and adjacent areas for litter three times a day, as stated in Condition 16.

Alcohol and Late Hours:

The 10 p.m. closing hours on Monday through Saturday and the 9 p.m. business closing on Sunday would not contribute to alcohol impacts in the neighborhood. These hours are earlier than the closing hours for several restaurants on King Street, located a short distance away. Nonetheless, the applicant is required to educate its employees on the prevention of underage sales of alcohol, as stated in Condition 7.

Diversity of Uses:

Staff does not believe that a restaurant at this location would result in an imbalance of uses. It would be a relatively small restaurant which would support the diverse retail and office uses in Founders Hall and complement the existing commercial uses on nearby King Street.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: June 14, 2017

Action: Approved



Alex Dambach, Division Chief, Land Use Regulatory Services

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2017-0053

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The restaurant shall have 58 indoor seats. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The hours of operation for indoor dining shall be limited to between 6 a.m. to 10 p.m., Monday through Saturday, and 8 a.m. to 9 p.m., Sunday. Meals and alcoholic beverages ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)
5. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license. Off-premises alcohol sales are not permitted at the restaurant. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
8. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
9. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
10. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
11. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)

12. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
13. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
14. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
15. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
16. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
18. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
19. The applicant shall require its employees who drive to use off-street parking. (T&ES)
20. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
21. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)
22. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)

23. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
24. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-3 If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)
- R-4 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-5 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-6 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-7 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-8 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-9 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

- R-10 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-11 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-12 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-13 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)
- R-14 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-15 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

No comments received.

Fire:

- C-1 Due to the number of occupants, a fire prevention permit is required for this location.

Health Department:

Food Facilities

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Parks and Recreation:

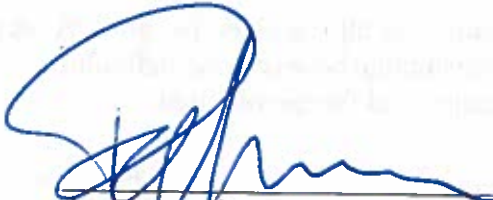
No comments received.

Police Department:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0053. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 106 North Lee Street.


Applicant - Signature

7/13/2017
Date

Paul Beckman
Applicant - Printed

7/13/2017
Date